## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

----- In the Matter of ----- ) VOYTEK JARNOT, dba HAWAII PARADISE TRAVEL For a Motor Carrier Certificate

Or Permit.

DOCKET NO. 01-0143

ORDER NO. 19655

Filed Sept. 12, 2002 At 10:20 o'clock A.M.

Twww Highest Chief Clerk of the Commission

ATTEST: A True Copy KAREN HIGASHI Chief Clerk, Public Utilities Commission, State of Hawaii.

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For a Motor Carrier Certificate Or Permit.

Docket No. 01-0143

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## <u>ORDER</u>

I.

By Order No. 19506, filed on August 5, 2002, the commission voided Decision and Order No. 18656 which granted VOYTEK JARNOT, dba HAWAII PARADISE TRAVEL (Movant) a certificate of public convenience and necessity (CPCN) to operate as a common carrier of passengers by motor vehicle over irregular routes, on the island of Oahu, in the 8-to-25 passenger classification.

On September 3, 2002, Movant filed a motion for reconsideration of Order No. 19506.

II.

The standard for granting a motion for reconsideration is set forth in Hawaii Administrative Rules (HAR) § 6-61-137, which provides, in relevant part, that a motion for reconsideration of an

<sup>&</sup>lt;sup>1</sup>Decision and Order No. 18656 was voided due to Movant's failure, over a period of approximately six months, to comply with the requirements for the submittal of certain documents, as set forth in Decision and Order No. 18656.

order must be filed within ten days after a decision or order is served upon a party. Movant filed his motion for reconsideration on September 3, 2002, 29 days after Order No. 19506 was filed. Accordingly, we find that Movant has not met the filing requirements for a motion for reconsideration, as set forth in HAR § 6-61-137. We, thus, conclude that Movant's motion for reconsideration is untimely and should be denied.<sup>2</sup>

III.

THE COMMISSION ORDERS that Movant's motion for reconsideration of Order No. 19506, filed on September 3, 2002, is denied.

DONE at Honolulu, Hawaii this 12th day of September, 2002.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Wayne H. Kimura, Chairman

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Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

By (Recused)

Gregg J. Kinkley, Commissioner

Benedyne S. Stone Commission Counsel

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<sup>&</sup>lt;sup>2</sup>We note, however, that should Movant still desire to obtain a CPCN, he may file a new application with the commission.

## CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19655 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

VOYTEK JARNOT, dba HAWAII PARADISE TRAVEL 1019 University Avenue, #6A Honolulu, HI 96826

> Carkerine Jakan Catherine Sakato

DATED: September 12, 2002